

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

October 23, 2002

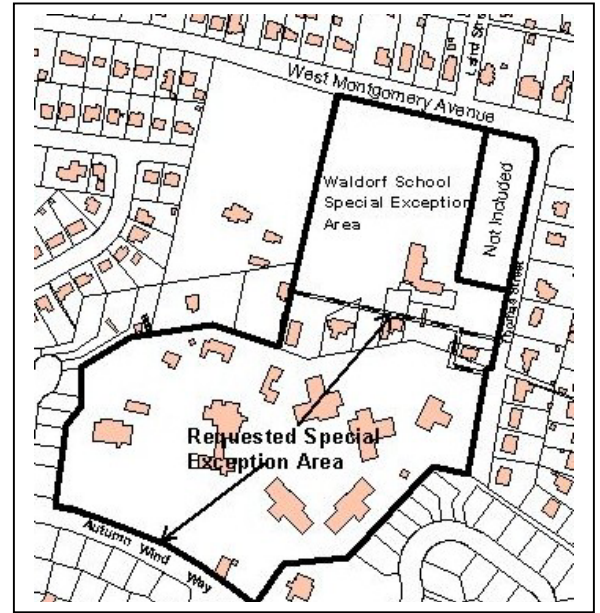
SUBJECT: Special Exception Application SPX2002-00316

Applicant: Eshkol Academy
11215 Woodglen Drive
Rockville, MD

Owner: Washington Waldorf School

Date Filed: August 23, 2002

Location: 500 West Montgomery Avenue



REQUEST:

- The applicant requests approval to utilize a portion of the existing facilities on the former Chestnut Lodge property for a private educational institution affiliated with a place of worship.

PREVIOUS RELATED ACTIONS:

S-12-58: Expansion of nurses' residence parking; approved by the Board of Appeals on February 7, 1958.

S-184-73: Expand the psychiatric hospital to include treatment of children with 4 new single-family type units and a total of 32 beds; approved by the Board of Appeals on February 3, 1973.

U-630-73: Use permit to allow exterior modifications to the hospital; approved September 19, 1973.

S-120-85: Add 4 cottages to accommodate 14 patients each along with attendant staff; approved by the Board of Appeals on October 5, 1985.

U-630-73: Use permit to allow exterior modifications to the hospital; approved September 19, 1973.

USE2002-00646: Allow use of the existing greenhouse for gardening activities, with accessory offices in the cafeteria building. Approved by the Planning Commission on June 26, 2002.

SPX2002-00313: Allow an eleemosynary or philanthropic institution on another portion of the site; application approved by the Board of Appeals on October 12, 2002.

USE2002-00648: Allow a synagogue and accessory religious school to occupy existing structures on the Chestnut Lodge site. Approved by the Planning Commission on September 25, 2002.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- The applicant proposes to operate a private school affiliated with a synagogue on a portion of the Chestnut Lodge site. There will be 150 middle and high school age boys taught on the site, plus 40 school staff.
- Up to 50 students will be boarded on the site.
- Compliance with setback requirements.
- The relationship to other uses on the site.
- Site access, traffic circulation and parking needs.
- Potential impact on buildings within the designated historic district.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements. A public works permit will not be issued until the sign is returned.
2. The applicant is bound by all statements submitted to the record and shown on the accompanying site plans.
3. The access drive from West Montgomery Avenue, which does not accommodate two-way traffic, is allowed to be used in consideration of the limited traffic associated with the proposed use as well as the existing use approved on the site. The applicant must provide a traffic manager to ensure safe traffic circulation on the site during the morning and evening when school traffic is heaviest, and during special events where there are additional vehicles accessing the site.
4. There will be no external structural modifications to the existing buildings except as may be required for fire safety or other code requirements. Any such modifications to buildings within the designated historic district must be reviewed by the Historic District Commission.
5. There will be no modifications to the grounds.
6. Student population is limited to 150, and staff is limited to 40 persons.
7. All students not boarded on site must arrive by bus, except in emergency situations.
8. Vehicular access is limited to West Montgomery Avenue.
9. No vehicles accessing the Eshkol Academy may drop off students or persons visiting the Academy along West Montgomery Avenue, Thomas Street, Autumn Wind Way, or any other public road. These drop-offs will be in violation of the conditions of the special exception. Any substantial increase in trips above those approved in the transportation statement will require the applicant to provide for alternate on-site circulation to accommodate the additional vehicles.
10. No students, staff, or visitors are permitted to park in the surrounding neighborhood.
11. Maintain the emergency vehicle access onto the site from Autumn Wind Way.
12. All driveways and parking areas to be utilized by the school must be repaired or resurfaced, and properly striped.

13. Provide substantial screen planting on both sides of the parking area for the two busses proposed to be parked in front of Rose Hill Barn, or park busses elsewhere on the interior of the campus.
14. All the internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) must comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD); which is currently the Millennium Edition. A signing and pavement-marking plan must be submitted to the Department of Public Works and approved by the Chief of Traffic and Transportation before the issuance of a Public Works Permit.
15. All construction must meet the requirements of all applicable City construction codes, including but not limited to the fire, building, plumbing, mechanical and electrical codes, and the Maryland Building Code for the Handicapped

ANALYSIS

Background

The Washington Waldorf School has acquired the property of the former Chestnut Lodge psychiatric treatment facility. The ultimate intent is to have this property become a private educational institution. However, the school is still developing a full plan for the entire site to be submitted as a special exception application. In order to occupy the site for tax reasons, the Waldorf School applied for, and was granted, a use permit to operate a gardening activity and related office uses involving the existing greenhouse and a portion of the existing cafeteria building. The Washington Waldorf School has subsequently been granted a special exception (SPX2002-00313) to utilize approximately 5,000 square feet of office space in the old Lodge building, in lieu of using the office space in the cafeteria.

While the Washington Waldorf School is developing its master plan for the ultimate development of the site, they have contracted to lease the rear portion of the site to the Eshkol Academy to allow them to consolidate their educational facilities in one location. This will be for a period of 2-4 years.

Property Description and Proposal

The entire property consists of 19.08 acres, with frontage on West Montgomery Avenue. This application covers approximately 13.7 acres in the rear of the site. The original Chestnut Lodge building occupies the area facing West Montgomery Avenue. Additional buildings for residential care and treatment have been added over the years to the south. These include 4 residence buildings and a cafeteria building, as well as a greenhouse, and a gymnasium with swimming pool and bathhouse. Much of the area facing West Montgomery Avenue has substantial tree coverage. The back portion of the site, which is the subject of this permit application, has some scattered trees, along with driveways and parking lots associated with the previous use.

This special exception application proposes to utilize this site for a private educational institution affiliated with a place of worship. The applicant proposes to utilize a portion of the cafeteria building for a synagogue. Other space in the building will be used for religious classes and also for dining. The gym will be used for school sports activities – basketball, swimming, etc. The gym will also double as a synagogue for times when maximum seating (up to 120) is required. The four “cottages” approved under S-120-75 will be used for classes, and also for boarding of students who live too far away to be bussed to the site. Finally, the applicant will utilize three other structures on the site,

known as the Little Lodge, Upper Cottage, and Stanley House. The Little Lodge would be used as offices for the school and instructors. The Upper Cottage and Stanley House would house up to 5 staff members, including the rabbi, who will live on-site. Five other resident managers will live in the 3 cottages the also contain dormitories.

The applicant had originally proposed to use “Frieda’s Cottage as a staff residence. However, this structure does not comply with the front yard setback requirement from Thomas Street. The applicant has submitted a revised plan, received October 23, that instead proposes to use the Stanley House and exclude the area surrounding Frieda’s Cottage from the special exception application. This has the effect of reducing the requested area by about 10,085 square feet.

The breakdown of the proposed uses is as follows:

Building Usage (Key Number):

Cafeteria Building (1A and 1B)	Synagogue, Judaic Studies and Prayer, Judaic Traditions; Dining and Kitchen
Upper Cottage (2)	Staff Residence
Little Lodge (3)	Staff Residence/Admin. Offices
Stanley House (4)	Staff Residence
White House (5)	Student Residence (20) and Resident Managers (2)
FFR House (6)	Student Residence (20) and Resident Managers (2)
Sullivan House (7)	Classrooms and Admin. Offices
Meyer House (8)	Student Residence (10) and Resident Managers (2)
Gymnasium	Judaic Studies and Prayer; Judaic Traditions; Recreation
Workshops (2 buildings)	Maintenance and Storage
Total student enrollment:	150
Total Instructors:	30
Total Administrators	5
Total Resident Managers	5
Hours of operation:	7:30 a.m. to 9:00 p.m., 7 days/week

The instructional staff will operate in two shifts—8:00 a.m. to 1:00 p.m., and 12:30 p.m. to 8:00 p.m. Only half the instructors will be on-site at any one time.

Note: The revised plan received on October 23, 2002, deletes “Frieda’s Cottage” as a proposed as staff residence since it does not comply with the setback requirements. Instead, the applicant has proposed to use the Stanley House, between the Cafeteria and the Gym, as a staff residence.

Staff also notes a minor discrepancy in the tabulation. The White House, FFR House, and Meyer House are all shown as having two resident managers each. However, the documentation calls for

only 5 managers. It would appear that, because of the fewer number of student residents in the Meyer House, that only one resident manager is intended for that unit.

The applicant states in their proposal that all of the students not boarding on the site will arrive by three school-operated buses. Students are not permitted by school policy to drive to school. Only in emergency situations, such as doctor's appointments or other specific individual situations would a student arrive separately from the bus transport.

The applicant does not propose any exterior structural modifications to the existing structures except as may be required to meet fire safety or other building code requirements. There will be interior changes to meet code requirements and to adapt the interiors to the requirements of the proposed use.

ANALYSIS

Applicable Sections of the Zoning Ordinance

Section 25-338, "Standards for granting" sets forth the following:

The Board of Appeals shall not grant any petition for a special exception unless it finds from a preponderance of the evidence of record that:

- (1) The proposed use does not violate or adversely affect the Plan, this chapter or any other applicable law; and
- (2) The proposed use at the location selected will not:
 - a. Adversely affect the health and safety of residents or workers in the area; or
 - b. Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or
 - c. Be detrimental to the use or development of adjacent properties or the neighborhood; or
 - d. Change the character of the neighborhood in which the use is proposed considering service currently required, population density, character, and the number of similar uses; and
 - e. The proposed use complies with any requirements of this chapter that are applicable thereto.

It should be noted that the proposed use is not subject to Section 25-356, "Educational institutions, private", because the section does not apply to educational institutions located on a lot or parcel that contains a church, synagogue, or other place of worship that is affiliated with the private educational institution.

1. The proposed use does not violate or adversely affect the Master Plan, the Zoning Ordinance or any applicable law.

The subject property is in the R-S Zone, as recommended by the adopted City master plan. This zone allows private educational institutions as a special exception. This use is defined in the ordinance as follows: "Every private school or educational or training institution, however designated, which offers a formal education program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any other formal educational program of trade, technical or artistic instruction, but such term does not include any

establishment having a single teacher, tutor or instructor or supervisor and having a maximum attendance of not more than four (4) persons at any one (1) time.” The Eshkol Academy is a religiously affiliated, non-profit educational institution providing instruction to middle and high school age boys. The Master Plan recognizes the institutional nature of this site and recommends continuation of that use. The proposed special exception does not propose any change in the character of the site, since it proposes to utilize the existing buildings. The staff concludes that the proposed use will not have an adverse impact on the master plan.

The proposed use is an allowable special exception in the R-S Zone. As such, there is a presumption of suitability and compatibility with the surrounding neighborhood provided the application complies with all provisions of the code. The staff concludes that the application complies with the general and specific requirements for this use, and complies with the applicable provisions of the R-S Zone.

2. The proposed use at the location selected will not:

- a. Adversely affect the health and safety of residents or workers in the area; or**
- b. Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or**
- c. Be detrimental to the use or development of adjacent properties or the neighborhood; or**
- d. Change the character of the neighborhood in which the use is proposed considering service currently required, population density, character, and the number of similar uses;**

The application requests use of the existing Chestnut Lodge buildings at the rear of the site. Given that the site once accommodated over 200 patients and staff, the proposed use is expected to have less of an impact than the hospital use, and should have no adverse impact on the surrounding neighborhood. Since there will be no exterior changes to the site, the proposed use will have no effect on public facilities. According to the traffic study submitted by the applicant, the maximum number of trips generated would be 18 in the a.m. peak hour, and none in the p.m. peak hour. The entrance to the site is opposite Laird Street, and is a signalized intersection. Staff finds that the traffic from the proposed use will have no adverse impact on the existing conditions.

3. The proposed use complies with any requirements of this chapter that are applicable thereto.

As noted earlier, this site was previously used as a hospital, and there are a large number of existing buildings on the grounds that were associated with that use. The hospital use in fact far predates most of the other development in the surrounding area. The proposed school will use existing buildings on the site. There will be no apparent change in the character of the neighborhood resulting from this proposed use, compared to the previous uses on the site. In addition, the proposed use is intended to be an interim use pending consideration of a future special exception by the Washington Waldorf School for the entire site.

Since the school is affiliated with a synagogue on the site, the additional development standards of Sec. 25-356 do not apply. In this case, the development must only comply with the standards and requirements of the underlying zone, which in this case is the R-S zone. The R-S Zone requires the following:

Minimum Lot Area:	20,000 square feet
Maximum Lot Coverage:	25%
Front Setback:	35 feet
Side Yard Setback:	13 feet
Rear Yard Setback:	35 feet
Minimum Lot Width:	100 feet at front setback line
Maximum Building Height:	40 feet

All of the existing buildings proposed to be utilized by the applicant comply with the standards of the R-S Zone. As noted above, the applicant proposes to occupy the existing structures without external modification. There will be internal modifications to meet their particular needs for providing the synagogue, classroom space, and overnight accommodations for some of the students. Building and occupancy code requirements will also have to be met.

The primary concern for this application is the issue of on-site circulation. At present, there is only one entrance to the Chestnut Lodge site, at West Montgomery Avenue opposite Laird Street. This is a signal-controlled intersection, and there is a left-turn lane on West Montgomery Avenue. However, a short stretch (approximately 110 feet) of the entry drive is only wide enough for one car. There is a circle in front of the Lodge building so cars can turn around. A driveway off the circle, also narrow, comes off the circle and continues to the back of the site.

The current driveway configuration dates back to when this site was used as a psychiatric treatment facility. Although various additions were made to the site over the years, the driveways were not required to be widened. This is at least in part because the site had an alternative exit to Great Falls Road through the Rose Hill property. With the sale of that portion of the property and subdivision development, the site is now left with only the single entry point.

The code requires two-way interior driveways to be a minimum of 18 feet wide. A major concern is the maintenance of the character of the site fronting on West Montgomery Avenue, with the signature large trees covering the site. Requiring construction of a full-width driveway will likely require the removal of several large trees, and potential impact on the root structure of some others. The front 8 acres of this site is currently within a designated historic district. Widening the driveway would also have an impact on the historic character of the site.

Given the circumstances of the applicant's special requirement that all of the non-boarding students be bussed onto the site, the staff is willing to allow the continued use of the existing driveways as a development nonconformity. Virtually all of the traffic for the site (even including the 5 trips for the Waldorf School office use) will be inbound in the morning, which will be the heaviest movement. Since there is a layover area at the driveway circle, any outbound cars can wait until the inbound traffic has cleared. A "Yield to On-Coming Traffic" sign will need to be posted at this point.

The nature of the school's operations as stated in the their application means that there will be little or no traffic departing the site during the p.m. peak hour. The afternoon staff shift arrives between 12:30 and 2:30 p.m., and departs (along with the student busses) at about 8:00 p.m.

The three busses used to transport students will be parked on-site. The applicant has proposed parking two of them in front of the Rose Hill Barn at the back of the site. The third bus is proposed to be parked near the service bay for the cafeteria building. However, staff is concerned that the two

busses to be parked in front of the barn will be very visible from Autumn Wind Way. The applicant's revised plan proposes 6 Leyland Cypresses be planted along the west side of the area where the busses will be parked. These are proposed to be 6-8 feet tall, on 8-foot centers. This will help screen the view from Autumn Wind Way to the west, but there is a substantial view from the east side as well. The east side of the parking area needs to be screened in the same fashion as the west side.

Staff notes that the Rose Hill Barn has been recommended for inclusion in the Rose Hill Farm Historic District. The barn and approximately ½ acre are proposed for inclusion, which will extend the existing historic district from the adjoining Rose Hill mansion. The Eshkol Academy does not propose any physical modifications to the barn or to the existing driveways. A public hearing on the proposed historic district is expected to be held in late November or early December.

Traffic proceeding to the back of the site will have option of pulling into the large parking lot by the cafeteria building, or proceeding to the far rear, where there is another turnaround. Considering that this is an existing situation, and that the previous uses on this site appear to have functioned adequately, staff is not going to require driveway widening or relocation for purposes of this special exception application. The applicant has stated to the staff that they will commit to providing personnel for traffic management at the entrance to the site during the morning and evening when school traffic will be at its maximum. Given the potential impacts of widening the existing driveway on the historic area of the property, and the fact that this use is to be temporary for no more than 4 years, staff finds this to be an acceptable solution. Traffic control personnel should also be provided any time that there are events on the site that may draw parents or other visitors.

The staff concludes that the proposed private educational institution complies with the general and specific standards for this use. It will not have an adverse impact on the neighborhood, and is consistent with the recommendations of the master plan. Staff therefore recommends approval of this application with the conditions set forth at the beginning of this report.

Public Notice

A total of 840 postcards were sent to all residents within 200 feet of the site, as well as the West End Citizen's Association and the Rose Hill Homeowner's Association, at the time the application was filed. Additional postcards were sent notifying these same recipients of the meeting dates and times for the Planning Commission and Board of Appeals hearings.

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Attachments:

- A. Location Map
- B. Aerial Photo
- C. Building Identification Map
- D. Site Plan
- E. Traffic Circulation and Signage Plan
- F. Traffic and Transportation Division Memorandum

- G. Special Exception Application
- H. Applicant's Supporting Documents
- I. Site Photos